

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

JAMIKEL HACKMAN,)	
)	
Petitioner,)	
)	
v.)	Case No. 6:23-cv-1112-LCB-GMB
)	
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

Petitioner Jamikel Hackman filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Doc. 1. The court referred this petition to a Magistrate Judge for preliminary review pursuant to 28 U.S.C. § 636(b). For the reasons to follow, the Magistrate Judge recommends that this case be dismissed for Hackman's failure to prosecute his claims pursuant to Federal Rule of Civil Procedure 41(b).

I. DISCUSSION

On October 2, 2023, the court notified Hackman that he did not use this court's standard form for habeas actions and that he had not filed an application to proceed *in forma pauperis* or paid the filing fee of \$5. Doc. 4. The court ordered Hackman to file an amended habeas petition and an application to proceed *in forma pauperis* or pay the filing fee to the Clerk of Court within 14 days. Doc. 4. The court warned

Hackman that his failure to comply by the deadline could result in the dismissal of his case for want of prosecution. Doc. 4.

The deadline has now passed, and Hackman has failed to amend his petition and file an application to proceed *in forma pauperis* or pay a filing fee. Therefore, this action is due to be dismissed without prejudice for Hackman's failure to prosecute his claims.

II. RECOMMENDATION

For the reasons stated above, the court RECOMMENDS that this action be DISMISSED without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

III. NOTICE OF RIGHT TO OBJECT

The plaintiff may file specific written objections to this report and recommendation. Any objections must be filed with the Clerk of Court within **14 days**. The plaintiff must identify every objectionable finding of fact or recommendation and state the specific basis for every objection. The plaintiff also must identify every claim in the complaint that the report and recommendation has not addressed. Objections should not contain new allegations, present additional evidence, or repeat legal arguments.

A plaintiff who fails to object to factual or legal conclusions in the Magistrate Judge's report and recommendation waives the right to challenge on appeal those

same conclusions adopted in the District Judge's order. Without a proper objection, however, the court on appeal may review the unobjected-to factual and legal conclusions for plain error if necessary in the interests of justice. 11th Cir. R. 3-1.

After receiving the plaintiff's objections, a District Judge will conduct a *de novo* review of the relevant portions of the report and recommendation and may accept, reject, or modify in whole or in part the Magistrate Judge's findings of fact and recommendations. The District Judge also may refer this action back to the Magistrate Judge with instructions for further proceedings.

The plaintiff may not appeal the Magistrate Judge's report and recommendation directly to the United States Court of Appeals for the Eleventh Circuit. The plaintiff may appeal only from a final judgment entered by a District Judge.

DONE and ORDERED on October 25, 2023.



GRAY M. BORDEN
UNITED STATES MAGISTRATE JUDGE